

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

IN RE NETWORK ENGINES INC.  
SECURITIES LITIGATION

Civil Action No. 03-12529-JLT

**JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1(D)**

Pursuant to Local Rule 16.1(d), the parties, through their counsel, jointly submit the following statement:

1. **Proposed Discovery Plan**

August 5, 2005	Deadline for filing and service of Motion for Class Certification.
October 5, 2005	Deadline for completion of class-related discovery and filing and service of Opposition to Motion for Class Certification.
November 21, 2005	Deadline for filing of Reply to Opposition to Motion for Class Certification.
March 6, 2006	Deadline for completion of fact-related discovery, including completion of depositions of fact witnesses. (This deadline will not apply to reasonable requests for admissions with respect to the authentication or business record status of documents produced in discovery.)
April 20, 2006	Deadline for identification of Plaintiffs' expert witnesses and production of expert disclosures required by Fed. R. Civ. P. 26(a)(2).
May 22, 2006	Deadline for identification of Defendants' expert witnesses and production of expert disclosures required by Fed. R. Civ. P. 26(a)(2).
June 22, 2006	Deadline for identification of Plaintiffs' expert rebuttal witnesses and production of expert disclosures required by Fed. R. Civ. P. 26(a)(2).

August 7, 2006	Deadline for completion of expert depositions.
To be determined by the Court	Case management conference. Settlement Conference.

2. Proposed Schedule for Filing of Motions

September 21, 2006	Deadline for filing and service of dispositive motions.
October 23, 2006	Deadline for filing and service of oppositions to dispositive motions.
December 22, 2006	Deadline for filing and service of reply briefs on dispositive motions.
To be determined by the Court	Hearing on dispositive motions.  Deadline for filing and serving other motions (Daubert, <i>in limine</i> , etc.)  Deadline for pretrial disclosures required by Fed. R. Civ. P. 26(a)(3).  Trial

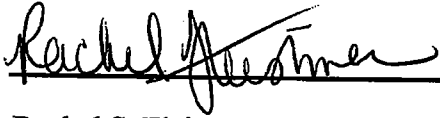
3. Possible Trial by Magistrate Judge

The parties have discussed the possibility of trial before a United States Magistrate Judge, but do not consent thereto at the present time.

4. Required Certifications

The required certifications from counsel and the parties that they have conferred with respect to budgetary concerns and possible resolution through ADR programs are attached hereto.

For the Plaintiffs:

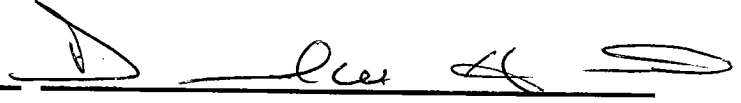


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Dated: June 27, 2005

For the Defendants:



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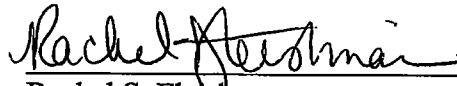
Civ. Act. No. 03-12529-JLT

**PLAINTIFFS' LOCAL RULE 16.1(D)(3) CERTIFICATION**

Pursuant to Local Rule 16.1(D)(3), Plaintiffs and their counsel hereby certify that they have conferred (1) with a view to establishing a budget for the costs of conducting the full and various alternative courses of the litigation, and (2) to consider the resolution of the litigation through the use of alternative dispute resolution programs.

PLAINTIFFS

LEAD COUNSEL



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Civ. Act. No. 03-12529-JLT

**DEFENDANTS' LOCAL RULE 16.1(D)(3) CERTIFICATION**

Pursuant to Local Rule 16.1(D)(3), the Defendants and their counsel hereby certify that they have conferred (1) with a view to establishing a budget for the costs of conducting the full and various alternative courses of the litigation, and (2) to consider the resolution of the litigation through the use of alternative dispute resolution programs.

NETWORK ENGINES, INC.,  
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BRYANT, and LAWRENCE A.  
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